

January 5, 2009

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

FINAL REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L05S0039**

ILISAN SHORT PLAT

Short Plat Appeal of Conditions of Approval

Location: 4210 – 164th Avenue Southeast, Issaquah

Appellant: Ioan and Dorina Ilisan
represented by **Ross Radley**
Law Offices of Ross Radley
3316 Fuhrman Avenue East, Suite 250
Seattle, Washington 98102
Telephone: (206) 323-3800
Facsimile: (206) 323-4044

King County: Department of Development and Environmental Services (DDES)
represented by **Alex Perlman**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7222
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:

Approve, subject to conditions

Department's Final Recommendation:

Approve, subject to conditions (modified)

Examiner's Decision:

Grant the appeal (in part)

EXAMINER PROCEEDINGS:

Hearing opened:

May 21, 2007

Hearing closed:

May 21, 2007

Hearing reopened for administrative purposes:

September 19, 2008

Hearing closed:

December 22, 2008

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner. An Amended Report and Decision on this Short Plat Application was transmitted to the Hearing Examiner on September 5, 2008, with a motion for reconsideration by DDES. The Amended Report and Decision is entered into the record as exhibit 19. DDES' Request for Reconsideration is entered as exhibit 20. Exhibit 19 was transmitted to all parties, who were asked to respond if an additional hearing was required. The Hearing Examiner's Notice to Parties dated September 19, 2008 is entered as exhibit 21. No response was received by the Hearing Examiner from any party.

ISSUES AND TOPICS ADDRESSED:

- Hearing Examiner jurisdiction
- Driveway access
- Road dedication and improvements

SUMMARY:

The applicant's appeal of conditions of short plat approval concerning access, dedication and improvement of right-of-way was granted in part and denied in part by an interlocutory order, pending possible further action on road variance application(s). A revised proposed short plat was submitted by the appellants on March 27, 2008 and was approved by DDES, subject to conditions, on September 5, 2008. That decision was not appealed.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

STR:	NW 13-24-5
Location:	4210 164th Ave SE in unincorporated King County (postal city Issaquah)
Zoning:	R-4
Acreage:	Approximately 1.52-acres
Number of Lots:	2
Proposed Use:	Single-family Residential
Sewage Disposal:	City of Bellevue
Water Supply:	City of Bellevue

2. The findings contained in the May 30, 2007 Hearing Examiner's Interlocutory Report and Decision are incorporated herein by this reference.
3. The facts set forth in the September 5, 2008 Amended Report and Decision issued by DDES (exhibit 19) are found to be correct and are incorporated herein as if fully set forth.
4. No party has appealed or requested any review of the DDES September 5, 2008 Amended Report and Decision.

CONCLUSIONS:

1. The conclusions contained in the May 30, 2007 Hearing Examiner's Interlocutory Report are incorporated herein by this reference.
2. The Amended Report and Decision issued by DDES (exhibit 19) approves an amended short plat proposal by the applicants, subject to conditions of final approval that are consistent with the Hearing Examiner's May 30, 2007 Interlocutory Report and Decision. The September 5, 2008 conditions of final short plat approval have been accepted by the applicant.
3. A final Hearing Examiner Report and Decision should be issued, adopting the Amended Report and Decision by DDES on this short plat application as the final decision on this appeal.

DECISION:

The September 5, 2008 DDES Amended Report and Decision on the subject short plat application, approving the short plat application as revised and submitted on March 27, 2008 (Revised Plan dated January 28, 2008), is hereby adopted as the final decision of the Hearing Examiner.

ORDERED this 5th day of January, 2009.

James N. O'Connor
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding short plat appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within 21 days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE MAY 21, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L05S0039.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Barbara Heavey, Kristen Langley and Craig Comfort, representing the Department; Ross Radley representing the Appellant; Dorina & Ioan Illisan, the Appellants, and John Holland.

The following exhibits were offered and entered into the record:

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|---------------|--|
| Exhibit No. 1 | DDES staff report to the Hearing Examiner for L05S0039 |
| Exhibit No. 2 | Preliminary approval for short subdivision L05S0039 dated February 9, 2007, attached |

	Report and Decision Short Subdivision File No. L05S0039
Exhibit No. 3	Notice of appeal of decision received February 21, 2007
Exhibit No. 4	Statement of appeal received March 5, 2007
Exhibit No. 5	GIS 2005 aerial photograph
Exhibit No. 6	GIS map L05S0039, Tweten Zoning
Exhibit No. 7	Plot plan for L05S0039 received October 12, 2006 with attached hand written memo, Attn: Craig Comfort dated September 22, 2006 and received October 12, 2006
Exhibit No. 8	Proposed site line plan road variance revision received May 4, 2006
Exhibit No. 9	DDES main project file for L05S0039
Exhibit No. 10	Letter to Ioan Ilsan from DDES dated April 6, 2001
Exhibit No. 11	Letter to John Ilsan from Mark J. Jacobs dated July 12, 2001
Exhibit No. 12	DDES Road Standards Variance Request to the County Road Engineer
Exhibit No. 13	Memo to variance file L05S0039 from Craig Comfort dated August 27, 2001
Exhibit No. 14	Letter to Mark J. Jacobs from Ronald J. Paananen of Road Services Division dated August 28, 2001
Exhibit No. 15	Resume of John L. Holland
Exhibit No. 16	Memo to John Ilsan from Eric Johnston, Transportation Solutions, Inc. dated March 22, 2007, aerial photograph and four photographs of the driveway
Exhibit No. 17	Plot Plan for the Ilsan property by Holland Design
Exhibit No. 18	Notation by Craig Comfort dated June 13, 2006

Additional exhibits:

Exhibit No. 19	DDES Amended Report and Decision for L05S0039 dated September 5, 2008
Exhibit No. 20	DDES Request for Reconsideration dated September 5, 2008
Exhibit No. 21	Hearing Examiner's Notice to Parties dated September 19, 2008

JNOC:vsm
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